IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

SHOW CAUSE NOTICE NO.1414 OF 2005
IN
NOTICE OF MOTION NO.4 OF 2005
IN
CENTRAL EXCISE APPEAL (L) NO.2 OF 2005

The Commissioner of Central Excise,
Pune II Commissionerate, Pune .. Petitioner
v/s.
M/s.Shree Warna Sahakari Dudh .. Respondent

Mr.B.A.Desai, Additional Solicitor General of India with Mr.A.S.Rao, Mr.Y.R.Mishra, for the petitioner.

Mr.E.P.Bharucha, Senior Counsel with Mr.M.P.Baxi, Mrs.Kashmira Bharucha, i/by M/s.Tijoriwala & Co. for the respondent.

CORAM : R.M. LODHA &
J.P.DEVADHAR, JJ.

DATED : 18TH MARCH, 2006.

P.C.

We are informed that the Deputy Commissioner of Central Excise, Kolhapur Division-II, Kolhapur has now complied with the order dated 20th December, 2004 and the order in original has been passed on 16th January, 2006. We are further informed that the concerned Deputy Commissioner of Central Excise has

already superannuated.

2. When a direction is issued by this court to the authority, the said authority has to comply with the said direction. Failure to do so, obviously, amounts to disobedience of the order of the court. However, in the peculiar facts and circumstances of the case, that now the Deputy Commissioner of Central Excise has passed the order in original and he has also retired, we are satisfied that the show-cause notice issued to him deserves to be dropped and we order accordingly.

(R.M.LODHA, J.)

(J.P.DEVADHAR, J.)